THIS IS A TWO-SIDED DOCUMENT



P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov APA Permit **2021-0215**

Date Issued: September 21, 2023

In the Matter of the Application of

JEFFREY D. MANN, SR. and JOANNE M. MANN Permittees

for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578

To the County Clerk: Please index this permit in the grantor index under the following names:

- 1. Jeffrey D. Mann, SR.
- 2. Joanne M. Mann

SUMMARY AND AUTHORIZATION

This permit authorizes a seven-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Queensbury, Warren County.

This authorization shall expire unless recorded in the Warren County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date. The Agency will consider the project in existence when the permit has been recorded.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is a 40.31±-acre portion of 52.35±-acres of land identified as Tax Map Section 265, Block 1, Parcels 23.1 (Parcel 23.1) and 23.2 (Parcel 23.2) in an area classified Low Intensity Use, Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is the Low Intensity Use portion of Parcel 23.1 and Parcel 23.2 located on Pickle Hill Road and Bay Road in the Town of Queensbury, Warren County.

Parcels 23.1 and Parcel 23.2 are a portion of land described in a deed from Linda Ricketts Moffett to Jeffrey D. Mann, Sr. and Joanne M. Mann, dated January 10, 2003, and recorded in the Warren County Clerk's Office under Book 1304, Page 29.

The project site contains Value "2", deciduous swamp cover type wetlands associated with streams on the project site. Additional wetlands not described herein or depicted on the Site Plans may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a seven-lot subdivision of the project site, comprised of a four-lot subdivision of a portion of Parcel 23.1 and a three-lot subdivision of Parcel 23.2, and construction of a new single family dwelling on each lot to create:

- Lot 1, a 6.37±-acre lot;
- Lot 2, a 5.96±-acre lot;
- Lot 3, a 7.21±-acre lot;
- Lot 4, a 3.63±-acre lot;
- Lot 6, a 3.84±-acre lot;
- Lot 7, a 4.10±-acre lot; and
- Lot 8. a 9.20±-acre lot.

The project includes installation of a culvert on Lot 3 that will involve the loss of 200 square feet of wetlands.

The project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan, and was created by subdivision from this larger property in 2003. As this subdivision involved wetlands, it appears that an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, the project site shall be recognized as lawful for Agency purposes.

The project is shown on the following maps, plans, and reports:

 "Jeffrey & Joanne Mann 5-Lot Subdivision & New Single Family Residences," in 12 sheets (5-Lot Site Plans) and "Jeffrey & Joanne Mann 3-Lot Subdivision & New Single Family Residences," in 11 sheets (3-Lot Site Plans); prepared by

- Hutchins Engineering, PLLC, dated July 11, 2023, and received by the Agency on July 12, 2023 (Site Plans); and
- "Stormwater Management Report & NYSDEC Stormwater Polution Prevention Plan Narrative NYSDEC GP-0-20-001," in 250 sheets, dated July 5, 2023, and received by the Agency on July 6, 2023 (SWPPP).

A reduced-scale copy of Sheet 4 of the 5-Lot Site Plans and Sheet 4 of the 3-Lot Site Plans for the project are attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands or deposit of fill in wetlands in the Adirondack Park.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. The project shall not be undertaken until this permit has been recorded in the Warren County Clerk's Office.
- 2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and the Site Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
- 3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
- 4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2021-0215, issued September 21, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
- 5. Subject to the conditions stated herein, this permit authorizes a seven-lot subdivision of the project site as depicted on the Site Plans. Any subdivision of the project site not depicted on the Site Plans shall require a new or amended permit.
- 6. Any deed of conveyance for Lot 8 as depicted on the Site Plans shall contain an easement providing ingress and egress to Lot 6 and Lot 7 over "Prop. 16'W Shared Drive" depicted and described on the Site Plans.

- 7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on each lot in the locations and footprints as depicted and described on the Site Plans and the SWPPP.
 - Any structure on the project site shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade.
 - Any change to the locations or footprints of any single family dwelling shall require prior written Agency authorization.
- 8. The construction of any additional dwelling or other principal building not authorized herein on the project site shall require prior written Agency authorization. The construction of any accessory structure on the project site shall require prior written Agency authorization.
- 9. Construction of any guest cottage on the project site shall require prior written Agency approval.
- 10. Any on-site wastewater treatment system(s) on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Site Plans. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.
 - No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.
- 11. The project shall be undertaken in compliance with the SWPPP.
- 12. The "Prop. Sediment Control Fence" and "Propr. Double Sediment Control Fence" shall be installed on the project site as depicted and described on the Site Plans prior to any soil disturbance.
- 13. Stormwater controls shall be installed on the project site as depicted and described on the Site Plans.
- 14. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
- 15. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Pickle Hill Road, Bay Road or adjoining properties.

- 16. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
- 17. Outside of the "Prop. Clearing Limits" and inside of the "edge of woods" as depicted on the Site Plans, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
- 18. All seed described on the Site Plans shall be planted no later than the first spring or fall planting season after final grading related to the construction of the single family dwelling on the project site and/or improvement of the "Prop.16'W Shared Drive" on Lot 8. Grass that does not survive shall be reseeded annually until established in a healthy growing condition.
- 19. Prior to undertaking any grading on Lot 3, the "Prop. 6' Arch Culvert" shall be installed on Lot 3 as depicted and described on the 5-Lot Site Plans. Any change to the location, dimensions or materials related to the culvert installation shall require prior written Agency authorization.
- 20. The culvert installation work on Lot 3 shall be scheduled and conducted during dry periods (not during major storm events, spring runoff, and thawing conditions) to avoid and minimize erosion of soils and to prevent silting and muddying of wetlands or surface waterbodies.
- 21. Prior to undertaking the culvert installation on Lot 3, including clearing and grubbing, erosion control shall be installed in compliance with the Site Plans and remain until the site is fully stabilized with vegetation.
- 22. No mechanized equipment shall be driven in wetlands. Every effort shall be made to work from upland areas and to minimize disturbances to areas adjacent to wetlands.
- 24. The culvert on Lot 3 shall be installed to preserve the pre-construction water levels and flows and shall not inhibit the natural movement of fish.
- 25. The undertaking of any activity involving wetlands not authorized herein shall require a new or amended permit.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Queensbury;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- d. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 21St day of September, 2023.

ADIRONDACK PARK AGENCY

David J. Plante, AICP CEP

Deputy Director, Regulatory Programs

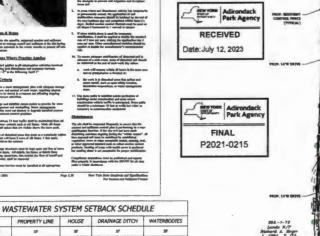
STATE OF NEW YORK COUNTY OF ESSEX

On the day of September in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

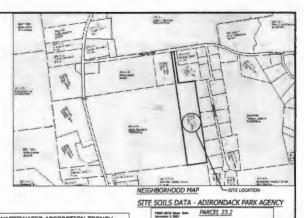
Stephanie L Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 20

Notary Public





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WASTEWATER ABSORPTION TRENCH INSTALLATION SCHEDULE MAXIMUM TRENCH INSTALLATION DEPT PARCEL LOT 6 LOT 7 >40" ×

ADDITIONAL SITE SOILS DATA

LOT 8

79-17 - 10/38/21 SY: L.W. DOWE, P.E. TREE PITS
TP-15 - 10/20/21 BY: L.H. DOBE, P.E. 19-12 - 14/28/27 97: L'ts cours, P.s.

- 107 8

- 9" - TOPPOS, / FORST OUFF

- 3" - RED-BROWN MEDIAN SAND

30-42" - BROWN MEDIAN SAND

43-65" - GRAT-BROWN FAS SAND

MOTINGE 0- 42"

ALCOMMER BROWN PON FEED - SWALLOW

BOTTOM OF TROUGH SETSALL DEPTH = 18" 15 - NOZBEZT BY: LIK DOBK, PJ.

- LOT B, LOWER POWYON

- BY - TOPSOL / FORCH DUFT

8-24" - RED-BROWN WEDEN SAND

24-36" - BROWN WEDEN SAND

38-60" - GRAY-BROWN FINE SAND

USHT SEEPACE @ 36", MOTTLING @ 36" ALLOWARE ARSONFRON FELD - SHALLOW SOTTOM OF BRENCH MISTALL DEPTH = 12" 77-16 - 10/28/21 SY: L.M. DOME, P.C.

- LOT 7 0-10" - TOPSON / FOREST DUFT 10-38" - REO-BROWN MEDIAN SAND

ADDITIONAL SITE SOILS DATA

FT-20 - 10/3/22 BT: HUTOMS DIGHERRIC PLLC

IT-20 - 10/3/72 BY: HUTCHIS DIGHETRING PLLC MPETRATION RATE: 40 MICHES PER MICH

PT-21 - 10/3/22 BY: MATCHINS ENGINEERING PLLC STABLIZED PERCOLATION RATE: 3 MBG/FEE PSH BICH

PERCOLATION TEST
PT-12 - 10/3/22 BY: HUTCHING ENGINEERING PLLC

* MINUTES PLY MICH.

#FELTRATION TESTS

#FELT = 10/3/92 BY: MUTCHINS EMPLEMENT PLLC

#FELTRATION RATE: 100 MICHES POS MICH.

#FELT = 10/3/22 BY: MUTCHINS DIMPRENING PLLC

#FELT = 10/3/22 BY: MUTCHINS DIMPRENING PLLC

#FELTRATION RATE: 00 MICHES PCR MICH.

MPE TRATION RATE: 72 MICHES PER MICH

STABILIZED PERCOLATION HATE: 4 MINUTES PER INCH

10-31" - RED-BYONN REDAY SAND 33-48" - BROWN MEDIAN SAND 48-72" - CRAY-BYONN FINE SAND DRY EXTURE DEPTH. NO BOUNDAY COUNTRON ENCOUNTRICO ALLOWARE ABSORPTION FILL - COUNTRICOM ALLOWARE ABSORPTION FILL - SAND SOUTHWEST - REPORT ABSTALL DEPTH - SAND SOUTHWEST - REPORT - REPORT ABSTALL DEPTH - SAND SOUTHWEST - REPORT - REPOR

STABILIZED PERCOLATION RATE:

IMPRITRATION TEST

PERCOLATION TEST

| TP-18 - 10/28/21 BY: LIK DOBE, P.E. - LOT 6
| - LOT 6 | - T-10/200, / FOREST DUT 8-3-5" - POEO-80 (WESTAM SAND 34-46" - BROWN MEDIAM SAND 48-70" - CRAT-SHOWN FINE SAND MITTERS OF A4". THE - 12/12/20 811 LW DOBE, P.E. - PARCEL 232 - LOT 8 DESIGN BOUNDARY CONDITION @ 46" BOTTOM OF THEMON DISTALL DEPTH - 24

0-10" - TOPSON / FOREST OUFT 0-10" = TOPSOE, / FOREST DUFT 10-38" = RED-BROWN MEDIUM SAND 38-30" = BROWN MEDIUM SAND 80-72" = ORAY-BROWN FINE SAND DRY ENTIRE DEPTH, ROOTS TO 36" DEPOS BOUNDARY CONDIDOR & 80°

ALLOWARE ARROWTHON FIELD - CONCENTRONA MOTION OF THEMON MISTALL DEPTH = 24°

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LOT 8 TEST PIT

LOT 7

TAX MAP # 285 -1-23 2 TOWN OF QUEENSBURY SUB 4-2022, AV 19-2022, FWL 6-2022 ADIRONDACK PARK AGENCY PROJECT 2021-0215

PROFESSIONAL ENGINEER IS A WOLATION OF MYS EDUCATION LAW.				
10	RE-ISSUED TO ADIRONDACK PARK AGENCY	7/11/2023		
9	RE-ISSUED TO ADRIONDACK PARK AGENCY	7/5/2023		
В	RE-ISSUED TO ADIRONDACK PARK AGENCY & TOWN OF QUEENSBURY	4/5/2023		
7	ME-ISSUED TO ADIRONDACK PARK AGENCY	11/11/2022		
6	RE-ISSUED TO TOWN OF QUEENSBURY PLANNING BOARD	11/10/2022		
5	RE-ISSUED TO TOWN OF QUEENSBURY PB & ZBA	6/15/2022		
4	ISSUED TO TOWN OF QUEENSBURY PB & ZBA	4/14/2022		
3	RESUBINT TO ADIRONDACK PARK AGENCY	12/16/2021		
No.	Revisions	Date		

OVERALL SUBDIVISION PLAN - LOTS 6-8

Jeffrey & Joanne Mann Bay Road & Pickle Hill Road

Scale: 1"=120" Date: 9/25/20 169 Ho-Wand Road Oversables, NY 12804 Hutchins Engineering PLLC (518) 745-0309 Floor (518) 745-0309 Fox 291682B-01-53

	PROPERTY LINE	HOUSE	DRAINAGE DITCH	WATERBODIES
Dipar	18"	10"	10"	
PEL)	20'	20"	20"	160"

WASTEWATER SYSTEM MATERIAL **SPECIFICATIONS**

SEPTIC T

AMORPTION (TOE OF

HOUSE SEMER
POWER TO SE 4" 508-33 PVC RETALL WITH 1/8" PER FOOT
REPLIENT SEMER
POWER TO SE 4" 508-38 PVC RETALL WITH 1/8" PER FOOT

ABSORPTION TRENCH PERFORATED PIPE PIPE TO BE 4" PERFORATED PVC

WASHED STONE STONE IS TO BE 3/4" TO 1-1/2" WINSHED STONE

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TOPSOIL
PLACE 4" WHIMAIN TOPSOIL OMER ENTINE MACHETILL AREA SEED,
MILLON, AND ESTABLISH TURF

Dig Safely. New York

OWNERS - APPLICANTS JEFFREY & JOANNE MANN P.O. BOX 407 L OUEENSBURY, NY 12804 (518) 361-2013

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Baharah 4. Grandan 4. 4010 P. 40

OVERALL SUBDIVISION PLAN SCALE: 1"=120"

AREA VARIANCE SUMMARY

ROAD FRONTAGE

TOWN OF QUEENSBURY ZONING CODE, CHAPTER 179 SECTION 179-3-010 A. (2) - RURAL RESIDENTIAL DISTRICT

GRAPHIC SCALE 60 0 30 60 120

MAP REFERENCE BASE SURVEY REPORTATION TAKEN FROM "MAP OF A SUBDIVISION MADE FOR JEFFREY D. MANN"

PREPARED BY: RUSSELL E. HOWARD LICENSED LAND SURVEYING, HUSSON FALLS, NY, DAYED APRIL 15, 2021, LAST MENSED JULY 19, 2021

